

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**LEROY WALKER,**

**Petitioner,**

**v.**

**JEFFREY A. BEARD, ET AL.,  
Respondents.**

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**CIVIL ACTION**

**NO. 08-5912**

**ORDER**

**AND NOW**, this \_\_\_\_ of March, 2010, upon careful and independent consideration of the Petition for Writ of *Habeas Corpus* filed pursuant to 28 U.S.C. § 2254, and after review of the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter (Doc. 12), and Petitioner's Objections (Doc. 13) and Respondents' Reply (Doc. 14), **IT IS HEREBY ORDERED** and **DECREED** as follows:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The petition for Writ of *Habeas Corpus* is **DISMISSED** as untimely; and
3. There is no basis for the issuance of a certificate of appealability.

**IT IS FURTHER ORDERED** that the Clerk of the Court shall mark the above-captioned case as **CLOSED** for statistical purposes.

**BY THE COURT:**

**/s/ Petrese B. Tucker**

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**Hon. Petrese B. Tucker, U.S.D.J.**